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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2013-412

11 **WENDY ANN DOYLE**
12 **638 W. Glenoaks Blvd, Apt. A**
13 **Glendale, CA 91202**

A C C U S A T I O N

14 **Registered Nurse License No. 375168**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about August 31, 1984, the Board of Registered Nursing issued Registered
22 Nurse License Number 375168 to Wendy Ann Doyle ("Respondent"). The Registered Nurse
23 License expired on July 31, 2012, and has not been renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code ("Code") unless otherwise indicated.

28 4. Code section 118, subdivision (b), of the Code provides, in pertinent part:

1 “The suspension, expiration, or forfeiture by operation of law of a
2 license issued by a board in the department, or its suspension,
3 forfeiture, or cancellation by order of the board or by order of a
4 court of law, or its surrender without the written consent of the
5 board, shall not, during any period in which it may be renewed,
6 restored, reissued, or reinstated, deprive the board of its authority to
 institute or continue a disciplinary proceeding against the licensee
 upon any ground provided by law or to enter an order suspending or
 revoking the license or otherwise taking disciplinary action against
 the licensee on any such ground.”

7 5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
8 any licensee, including a licensee holding a temporary or an inactive license, for any reason
9 provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

10 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
12 licensee or to render a decision imposing discipline on the license.

13 STATUTORY PROVISIONS

14 7. Code section 490 of the Code provides:

15 “(a) In addition to any other action that a board is permitted to take against a licensee, a
16 board may suspend or revoke a license on the ground that the licensee has been convicted of a
17 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
18 or profession for which the license was issued.

19 (b) Notwithstanding any other provision of law, a board may exercise any authority to
20 discipline a licensee for conviction of a crime that is independent of the authority granted under
21 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
22 of the business or profession for which the licensee's license was issued.

23 (c) A conviction within the meaning of this section means a plea or verdict of guilty or a
24 conviction following a plea of nolo contendere. Any action that a board is permitted to take
25 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
26 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
27 made suspending the imposition of sentence, irrespective of a subsequent order under the
28 provisions of Section 1203.4 of the Penal Code.”

8. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

9. Section 2761 of the Code provides, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

• • • •

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

10. Section 2762 of the Code provides, in pertinent part,

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter it is unprofessional conduct for a person licensed under this chapter to do any of the following:

• • •

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.”

REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1444, provides:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or

1 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
2 safety, or welfare.

3 Such convictions or acts shall include but not be limited to the following:

- 4 (a) Assaultive or abusive conduct including, but not limited to, those violations listed in
5 subdivision (d) of Penal Code Section 11160.
6 (b) Failure to comply with any mandatory reporting requirements.
7 (c) Theft, dishonesty, fraud, or deceit.
8 (d) Any conviction or act subject to an order of registration pursuant to Section 290 of
9 the Penal Code.”

10 COST RECOVERY

11 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licensee found to have committed a violation or violations of
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case.

15 FIRST CAUSE FOR DISCIPLINE

16 (Conviction of a Substantially-Related Crime)

17 13. Respondent is subject to disciplinary action under section 2761, subdivision (f) and
18 section 490 of the Code, as defined in California Code of Regulations, title 16, section 1444, in
19 that Respondent was convicted of a crime substantially related to the qualifications, functions or
20 duties of a registered nurse as follows:

21 14. On or about September 14, 2011 in the criminal matter entitled *People of the State of*
22 *California v. Wendy Ann Doyle*, Orange County Superior Court Case No. 11WM02312MA,
23 Respondent was convicted of violating California Vehicle Code section 23152, subdivision (a),
24 driving while under the influence of alcohol and/or drugs, a misdemeanor. Respondent was
25 placed on informal probation for three years, ordered to attend a first time offender alcohol
26 education course, complete 240 hours of community service work, and pay fines. The
27 circumstances surrounding the conviction are that on or about November 12, 2010, Respondent
28 was pulled over by the Huntington Beach Police Department after a concerned citizen alerted

1 them to a suspected drunk driver. During the investigation, Respondent displayed extreme
2 lethargy, disorientation, and sleepiness. A toxicology examination of Respondent's blood
3 revealed that at the time of driving, she had the following controlled substances in her system:
4 Hydroxyalprazolam, Alprazolam, Diphenhydramine, Quetiapine metabolite.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Dangerous Use of Alcohol)**

7 15. Respondent is subject to disciplinary action under section 2762, subdivision (b) of the
8 Code, in that Respondent used drugs and/or alcohol to an extent or in a manner dangerous or
9 injurious to herself/himself, and the public. Complainant refers to, and by this reference
10 incorporates, the allegations set forth above in paragraph 14, as though set forth fully.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Conviction for Alcohol Related Offense)**

13 16. Respondent is subject to disciplinary action under section 2762, subdivision (c) of the
14 Code, in that Respondent was convicted of a crime involving the use of drugs. Complainant refers
15 to, and by this reference incorporates, the allegations set forth above in paragraph 14, as though
16 set forth fully.

17 **DISCIPLINE CONSIDERATIONS**

18 17 To determine the degree of discipline, if any, to be imposed on Respondent,
19 Complainant alleges that on or about April 26, 2002, Respondent suffered a prior conviction for
20 driving under the influence.

21 18. To determine the degree of discipline, if any, to be imposed on Respondent,
22 Complainant alleges that on or about June 20, 2002, in a prior disciplinary action entitled In the
23 Matter of the Accusation Against Wendy Ann Doyle before the Board of Registered Nursing, in
24 Case Number 2001-298, Respondent voluntarily surrendered her Registered Nurse License by
25 way of stipulation. Pursuant to the stipulation, Respondent admitted to engaging in the unlawful
26 use of controlled substances and unprofessional conduct.

19. On or about December 7, 2006, Respondent's Petition for Reinstatement was granted, and Respondent was issued a license, which, was immediately placed on probation for a period of three years. Respondent has now completed the probationary period.

PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 375168, issued to Wendy Ann Doyle;

2. Ordering Wendy Ann Doyle to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: November 20, 2012

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement:

WENDY ANN DOYLE

Registered Nurse License No. 375168

Petitioner.

OAH No. L2006080710

DECISION

The attached Decision of the Board of Registered Nursing is hereby adopted by the Board as its Decision in the above-entitled matter.

This Decision shall become effective on December 7, 2006.

IT IS SO ORDERED this 7th day of November 2006.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition for Reinstatement of:

WENDY ANN DOYLE,

Registered Nursing License No. 375168

Petitioner.

OAH No. L2006080710

**DECISION GRANTING THE
PETITION**

This matter was heard by a quorum of the Board of Registered Nursing (Board) on September 14, 2006, in Ontario, California. The Board members participating in the hearing and decision were LaFrancine Tate, Public Member, President; Grace Corse, RN, Vice-President; Carmen Morales-Board, MSN, RN, NP; Elizabeth O. Dietz, Ed.D., RN, CS-NP; Orlando H. Pile, M.D.; and Susanne Phillips, MSN, RN, APRN-BC, FNP. Eric Sawyer, Administrative Law Judge, Office of Administrative Hearings, State of California, presided.

Petitioner was present and represented herself.

Nancy A. Kaiser, Deputy Attorney General, represented the Office of the Attorney General, California Department of Justice.

The petition and other relevant documents were presented. Petitioner and the Deputy Attorney General made oral presentations to the Board. Petitioner responded to questions of Board members and the Deputy Attorney General. The record was closed, the Board met in executive session, and the matter was submitted on September 14, 2006.

FACTUAL FINDINGS

1. On August 31, 1984, the Board issued Registered Nursing License No. 375168 to Petitioner.

2A. The Board, by Decision and Order, effective May 13, 2004, approved a stipulated surrender of the license in resolution of Board case number 2001-298 (OAH Case No. L-2002040750). Petitioner also stipulated that, should her license be reinstated, she would pay the Board \$6,000.00 costs pursuant to an approved payment plan.

2B. The Board's discipline was based on Petitioner's admission that she had diverted and used Ambien while working at Huntington East Valley Hospital in August 1997, and Talwin while working at Harbor View Adolescent Center in July 2001.

3. The petition, filed with the Board on April 18, 2006, states the request for reinstatement is made because a license would facilitate Petitioner's career in the field of chemical dependency and psychiatric nursing.

4. Since surrendering her license, Petitioner has completed a number of courses at Mt. San Antonio Community College in the field of psychology and chemical dependency. She subsequently took courses at and obtained a certificate in Substance Abuse Counseling from Glendale Community College. She also became certified as a Registered Addiction Specialist through the Breining Institute, and passed an examination to become a Certified Addiction Treatment Counselor. Petitioner also completed a course in Case Management at the Pasadena Community College.

5. Petitioner demonstrated her ability to safely practice as a registered nurse relative to her addiction problem. Her sobriety date is September 11, 2003. She completed an intensive drug and alcohol treatment program at IMPACT in Pasadena, which lasted from September 2003 through January 2005. She faithfully follows a 12-step program, in which she has completed all 12 steps and daily works the first three steps. She is in regular contact with her sponsor and she attends three support group meetings per week.

6. Petitioner has remained occupied with work and volunteer activity. She has served as a part-time crisis counselor at the Crystal Cathedral from May 2003 through the present, and has been employed as a substance abuse counselor at Shields for Families from February 2006 through the present. She submitted letters from her supervisors at both entities who enthusiastically support the petition and give positive evaluations of Petitioner's conduct and character.

7. Two recent letters were also submitted from Dr. Timothy J. Pylko, a psychiatrist who has been treating Petitioner for a number of years. Dr. Pylko states that Petitioner is now stable and has been sober since September 2003. He supports her reinstatement petition.

8. On April 26, 2002, well before her date of sobriety, Petitioner was arrested for driving while under the influence. She was subsequently convicted of violating Vehicle Code section 23152, subdivision (a), and Health and Safety Code section 11550, subdivision (a), both misdemeanors. She successfully completed probation in that case, and on January 11, 2006, her conviction was expunged pursuant to Penal Code section 1203.4.

LEGAL CONCLUSIONS

1. Petitioner has the burden of establishing by clear and convincing evidence that she is entitled to the requested relief. (Bus. & Prof. Code, § 2760.1, subd. (b).)

2. Petitioner clearly and convincingly established that cause exists to reinstate her license, pursuant to Business and Professions Code section 2760.1, and California Code of Regulations, title 16, section 1445. Petitioner clearly and convincingly demonstrated to the Board that she is in control of her substance addiction. No evidence of misconduct subsequent to her discipline was presented. More than five years have elapsed since the last misconduct that led to the surrender of her license. Under these circumstances, the Board is satisfied that public protection will not be jeopardized by reinstating Petitioner's license. (Factual Findings 1-8.)

3. However, the public will be fully protected only if such reinstatement is on a probationary basis. Both Government Code section 11522, and Business and Professions Code section 2760.1, subdivision (e), provide the Board with the authority to reinstate a previously revoked license upon appropriate "terms and conditions." In this case, Petitioner's past misconduct was the result of a drug addiction and she has only been sober a moderate period of time. Thus, a three-year probation is warranted, with terms and conditions including that she comply with the Board's addiction recovery program and pay the costs she previously agreed to reimburse the Board should her license be reinstated. (Factual Findings 1-8.)

ORDER

The petition of Wendy Ann Doyle (hereinafter Respondent) for reinstatement of licensure is granted. A license shall be issued to Respondent. Said license shall immediately be revoked, the order of revocation stayed, and Respondent placed on probation for a period of three years. The probation includes the following terms and conditions:

SEVERABILITY CLAUSE

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(1) OBEY ALL LAWS

Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

CRIMINAL COURT ORDERS: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

(2) COMPLY WITH THE BOARD'S PROBATION PROGRAM

Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

(3) REPORT IN PERSON

Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

(4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE

Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. The Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

(5) SUBMIT WRITTEN REPORTS

Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

(6) FUNCTION AS A REGISTERED NURSE

Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and the Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation shall apply.

(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS

Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

(8) SUPERVISION

Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.
- (c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.
- (d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the Respondent with or without Respondent present.

(9) EMPLOYMENT LIMITATIONS

Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If the Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) COMPLETE A NURSING COURSE(S)

Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

(11) COST RECOVERY

Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$6,000.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation will apply.

(12) VIOLATION OF PROBATION

If a Respondent violates the conditions of her probation, the Board after giving the Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(13) LICENSE SURRENDER

During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

1. Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
2. One year for a license surrendered for a mental or physical illness.

(14) PHYSICAL EXAMINATION

Within 45 days of the effective date of this decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of the Respondent's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the Respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required until the Board has notified Respondent that a medical determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If the Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

(15) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE

Respondent, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If Respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider Respondent in violation of probation.

Based on Board recommendation, each week Respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

(16) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS

Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the Respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of Respondent's history of substance abuse and will coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled

substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis Respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

(17) SUBMIT TO TESTS AND SAMPLES

Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the Respondent shall be considered in violation of probation.

In addition, Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the Respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

(18) MENTAL HEALTH EXAMINATION

The Respondent shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the Respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the Respondent.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Respondent that a mental health determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If the Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

(19) THERAPY OR COUNSELING PROGRAM

Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

IT IS SO ORDERED. This Decision shall be effective December 7, 2006.

Dated: November 7, 2006



LaFrancine Tate, Public Member, President,
For the Board of Registered Nursing
Department of Consumer Affairs

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

WENDY ANN DOYLE
3516 1/2 Encinal Avenue
La Crescenta, California 91214-3219

Registered Nurse License No. 375168

Respondent.

Case No. 2001-298

OAH No. L-2002040750

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 13, 2004

It is so ORDERED April 14, 2004

Sandra L. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 THOMAS L. RINALDI, State Bar No. 206911
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2541
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 WENDY ANN DOYLE
13 3516 1/2 Encinal Avenue
La Crescenta, California 91214-3219
14 Registered Nurse License No. 375168

15 Respondent.

Case No. 2001-298

OAH No. L-2002040750

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding that the following matters are true:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
20 the Board of Registered Nursing. She brought this action solely in her official capacity and is
21 represented in this matter by Bill Lockyer, Attorney General of the State of California, by
22 THOMAS L. RINALDI, Deputy Attorney General.

23 2. Wendy Ann Doyle (Respondent) is represented in this proceeding by
24 attorney Sara E. Hersh, of the Law Offices of BondCurtis, LLP, whose address is 140 South Lake
25 Avenue (Ste. 208), Pasadena, CA 91101.

26 3. On or about August 31, 1984, the Board of Registered Nursing issued
27 Registered Nurse License No. 375168 to Wendy Ann Doyle. The License expired on July 31,
28 2002, and has not been renewed.

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1 16. Respondent fully understands and agrees that if she ever files an
2 application for licensure or a petition for reinstatement in the State of California, the Board shall
3 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
4 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
5 and all of the charges and allegations contained in Accusation No. 2001-298 shall be deemed to
6 be true, correct, and admitted by Respondent when the Board determines whether to grant or
7 deny the petition.

8 17. REVISE BACK TO STANDARD LANGUAGE. Upon reinstatement of
9 the license, Respondent shall pay to the Board costs associated with its investigation and
10 enforcement pursuant to Business and Professions Code section 125.3 in the amount of Six
11 Thousand Dollars and No Cents (\$6,000.00). Respondent shall be permitted to pay these costs in
12 a payment plan approved by the Board.

13 18. Should Respondent ever apply or reapply for a new license or certification,
14 or petition for reinstatement of a license, by any other health care licensing agency in the State of
15 California, all of the charges and allegations contained in Accusation, No. 2001-298 shall be
16 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
17 Issues or any other proceeding seeking to deny or restrict licensure.

18 19. Respondent may apply for licensure or petition for reinstatement in two (2)
19 years from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: _____

WENDY ANN DOYLE
Respondent

I have read and fully discussed with Respondent Wendy Ann Doyle the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____

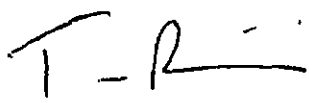
SARA E. HERSH
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 12/23/03

BILL LOCKYER, Attorney General
of the State of California



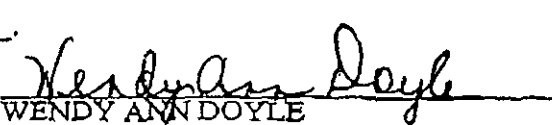
THOMAS L. RINALDI
Deputy Attorney General

Attorneys for Complainant

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: Dec 9, 2003


WENDY ANN DOYLE
Respondent

I have read and fully discussed with Respondent Wendy Ann Doyle the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 9 Dec 03


SARA E. HERSH
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: _____

BILL LOCKYER, Attorney General
of the State of California

THOMAS L. RINALDI
Deputy Attorney General

Attorneys for Complainant

Exhibit A

Accusation No. 2001-298

1 BILL LOCKYER, Attorney General
of the State of California
2 KIMBERLEE D. KING, State Bar No. 141813
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2581
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2001-298

11 WENDY ANN DOYLE
12 3516 ½ Encinal Avenue
La Crescenta, CA 91214-3219

**FIRST SUPPLEMENTAL
ACCUSATION**

13 Registered Nurse No. 375168

14 Respondent.
15

16 Complainant, Ruth Ann Terry, M.P.H., R.N., is the Executive Officer of the
17 Board of Registered Nursing, Department of Consumer Affairs of the State of California and
18 brings this First Supplemental Accusation solely in her official capacity and supplements the
19 accusation filed on June 21, 2001, in this matter, and for cause for discipline further alleges.

20 12. Paragraphs 2 through eleven (11) are incorporated herein by reference as if
21 fully set forth.

22 13. CONTROLLED SUBSTANCES

23 A. "Talwin" is a Schedule IV controlled substance as designated by Health
24 and Safety Code section 11057(g)(1) and is categorized as a dangerous drug pursuant to
25 section 4022 of the Code.

26 B. "Benzodiazepine", a compound of various sedatives, is a Schedule IV
27 controlled substance as designated by Health and Safety Code section 11057(d) and is a
28 categorized as a dangerous drug pursuant to section 4022 of the Code.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/20/02


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

1 BILL LOCKYER, Attorney General
of the State of California
2 MARC D. GREENBAUM, State Bar No. 138213
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 897-2579
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2001-298

12 **WENDY ANN DOYLE**
3516 1/2 Encinal Avenue
13 La Crescenta, California 91214-3219

ACCUSATION

14 Registered Nurse License No. 375168

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about August 31, 1984, the Board of Registered Nursing ("Board")
23 issued Registered Nurse License Number 375168 to Wendy Ann Doyle ("Respondent"). The
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on July 31, 2002, unless renewed.

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2 8. Section 125.3 of the Code provides, in pertinent part, that a Board may
3 request the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 9. DRUG

7 "Ambien," a brand of zolpidem tartrate, is a Schedule IV controlled substance as
8 designated Health and Safety Code section 11057(d).

9 FIRST CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct-Controlled Substance)

11 10. Respondent has subjected her license to discipline under section 2761(a)
12 of the Code on the grounds of unprofessional conduct as defined in section 2762(a) of the Code
13 in that in and about August 1997, while working at Huntington East Valley Hospital, Glendora,
14 California, she did the following:

15 a. She obtained Ambien by fraud, deceit, misrepresentation or subterfuge in
16 violation of Health and Safety Code section 11173(a) by diverting the controlled substance from
17 Huntington East Valley Hospital for her own use.

18 b. She possessed Ambien in violation of Health and Safety Code section
19 11350.

20 c. She self-administered Ambien without having lawful authority therefor.

21 SECOND CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct)

23 11. Respondent has subjected her license to discipline under section 2761(a)
24 of the Code on the grounds of unprofessional conduct as defined in section 2762(b) in that while
25 working at Huntington East Valley Hospital, Glendora, California, she used Ambien to an extent
26 or in a manner dangerous or injurious to herself, any other person, or the public, or to the extent
27 that such use impaired her ability to conduct with safety to the public the practice authorized by
28 her license as follows:

1 a. On or about August 10, 1997, after taking Ambien, she reported to work
2 with drooping eyes, slurred speech, an unsteady gait, and she responded to inquiries slowly with
3 thoughts appearing to be disconnected, requiring the hospital personnel to send her home.

4 b. On or about August 11, 1997, after taking Ambien, she reported to work
5 with drooping eyes, slurred speech, an unsteady gait, and she responded to inquiries slowly with
6 thoughts appearing to be disconnected, requiring the hospital personnel to put her on immediate
7 suspension.

8 PRAYER


9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 375168, issued
12 to Wendy Ann Doyle;

13 2. Ordering Wendy Ann Doyle to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: June 21, 2001

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20 
21 RUTH ANN TERRY, M.P.H., R.N.
22 Executive Officer
23 Board of Registered Nursing
24 Department of Consumer Affairs
25 State of California
26 Complainant